

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**C.R.No. 6678 of 2006
Date of decision : 14.12.2006**

Shivdev Singh.

.....Petitioner.

Versus

M/s Pyare Lal Rakesh Kumar, Commission Agent, New Grain Market,
Nabha.

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Dhiraj Chawla,Advocate
for the petitioner.

VINOD K. SHARMA,J.(ORAL)

By way of present revision petition the petitioner has challenged the order dated 20.11.2006 passed by the learned Executing Court dismissing the application moved by the petitioner for release of attached property in view of the order passed by this Court staying the execution of the decree.

The petitioner by way of appeal has challenged the judgment and decree passed by the learned trial Court and this Court was pleased to stay the execution subject to deposit of 50% of the decretal amount. The said amount was deposited by the petitioner and accordingly execution application has been stayed. The learned counsel for the petitioner contended that in view of the fact that the execution of the decree has been stayed, the learned executing Court was bound to vacate the order of

attachment. I find no force in this contention merely because the decree of the Court has been stayed does not enable the petitioner to have the attachment order vacated which in fact is the security for recovery of the decretal amount. It is not in dispute that in view of the order passed by this Court only 50% of the decretal amount has been deposited and, therefore, the petitioner is not entitled to get the attachment revoked.

Thus, there is no illegality or error in exercise of jurisdiction which may call for interference by this Court in exercise of revisional jurisdiction

Dismissed.

14.12.2006
'sp'

(**VINOD K. SHARMA**)
JUDGE